

A-68104


**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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|                                  |                                 |                                 |  |
|----------------------------------|---------------------------------|---------------------------------|--|
| APPLICATION NUMBER<br>09/293,670 | FILING/RECEIPT DATE<br>04/16/99 | FIRST NAMED APPLICANT<br>FISHER | ATTORNEY DOCKET NO./TITLE<br>J A-68104/DJB |
|----------------------------------|---------------------------------|---------------------------------|--|

0262/0514

 FLEHR HONBACH TEST  
ALBRITTON & HERBERT LLP  
SUITE 3400  
FOUR EMBARCADERO CENTER  
SAN FRANCISCO CA 94111-4187

NOT ASSIGNED

1643

DATE MAILED:

05/14/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 322.00.

☒ 1. The statutory basic filing fee is:

- ☐
- missing.
- 
- ☐
- insufficient.

 Applicant must submit \$ 222.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due:

36.00 \$ 22.00 for 4 total claims over 20.  
\$ 130.00 for independent claims over 3.  
130.00 \$ 22.00 for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒
- is missing or unsigned.
- 
- ☐
- does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k) unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

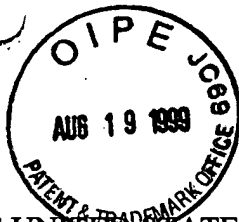
**A copy of this notice MUST be returned with the reply.**

 Customer Service Center  
Initial Patent Examination Division (703) 308-1202

FORM PTO-1533 (REV. 9/98)

PART 2 - COPY TO BE RETURNED WITH RESPONSE

BEST AVAILABLE COPY



PATENT  
Attorney Docket No.: A-68104/DJB/RMS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|   |   |                 |         |
|---|---|-----------------|---------|
| In re application of:                         | ) | Examiner:       | Unknown |
| FISHER, et al.                                | ) | Group Art Unit: | 1643    |
| Serial No.: 09/293,670                        | ) |                 |         |
| Filed: April 16, 1999                         | ) |                 |         |
| For: Multiparameter FACS Assays to            | ) |                 |         |
| Detect Alterations in Cellular Parameters     | ) |                 |         |
| <u>and to Screen Small Molecule Libraries</u> | ) |                 |         |

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, BOX MISSING PARTS, Washington, DC 20231 on August 16, 1999.

Signed: Gail Clark  
Gail A. Clark

**RESPONSE TO NOTICE TO FILE MISSING PARTS**  
*Filing Date Granted*

Assistant Commissioner for Patents  
BOX MISSING PARTS  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application, *Filing Date Granted*, mailed May 14, 1999, enclosed are the following documents:

- 1) A copy of the Notice to File Missing Parts of Application, *Filing Date Granted*, Form PTO-1533);
- 2) Declaration and Power of Attorney for Patent Application;
- 3) Verified Statement (Declaration) Claiming Small Entity Status;
- 4) Power of Attorney by Assignee;

Serial No.: 09/293,670  
Filed: April 16, 199

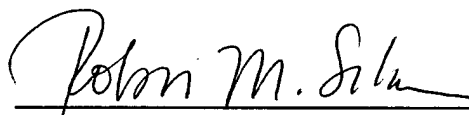
- 5) Check totaling \$666.00 covering the filing fee and surcharge for filing the fee on a date later than the filing date (\$380.00/filing fee; \$65.00/surcharge); additional claims fees (\$166.00); one-month extension of time fee (\$55.00); and
- 6) Return postcard.

The Assistant Commissioner is hereby authorized to charge any additional fees, including extensions, or credit any overpayment to Deposit Account 03-1600 (Our Reference No. A-68104/DJB/RMS).

Respectfully submitted,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

By

  
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